

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed March 15, 2006. At the time of the Advisory Action, Claims 1-30 were pending in this Application. Claims 1-30 stand rejected. Claims 1, 15, 17, 25 and 27 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-26

Claims 1-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0023885 by Mark R. Potter et al. ("Potter") in view of U.S. Patent No. 6,735,704 issued to David Butka et al. ("Butka"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Independent Claims 1 and 15 both recite the provision or use of historical demand data of a computer system in order to scale the number of processing resources and the number of power supplies required by a computer system at a given time. Neither Potter nor Butka discloses, teaches or suggests the utilization of historical demand data of a computer system to scale the number of processing resources and power supplies made available to the system. Because Potter and Butka do not disclose this aspect of the claimed invention, they cannot render obvious Claims 1 and 15 and the claims that depend therefrom. For at least these reasons Applicants respectfully request reconsideration, withdrawal of the rejections under §103 and full allowance of Independent Claims 1 and 15 and Claims 2-14 and 16-26 that depend therefrom.

Claims 27-30

Claims 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,784,628 issued to Kenneth S. Reneris ("Reneris") in view of U.S. Patent No. 6,583,521 issued to Martin Lagod et al. ("Lagod"). Applicants respectfully traverse and submit the cited art does not render the claimed embodiment of the invention obvious.

Independent Claim 27 recites a method for managing power consumption in a computer system that includes, among other steps, "storing historical data in a plurality of dynamic tables, the historical data corresponding to previous demands on the computer system" and "adjusting a plurality of processing resources in advance to meet the future demand requires" (emphasis added). Examiner concedes that Reneris does not teach the use of historical data in dynamic tables. The Office Action cites to Lagod as teaching the use of historical data to predict "future demand requirements using the historical data in the dynamic tables" and adjusting "a plurality of processing resources in advance to meet the future demand requirements."

To support this assertion, the Office Action cites to Col. 7, lines 23-30 of Lagod which discusses the use of statistical data to make a pre-emptory switch between receiving power from a power grid or from local generators. Lagod then goes on to describe the use of historical usage data to increase or decrease the amount of available power, such as by starting an additional generator. See Col. 7, lines 31-42. In the example provided, the additional power may be provided to a customer (a restaurant) at the beginning of each day when the load increases due to grills and ovens being turned on.

Applicants note that the Office Action appears to apply the teachings of Lagod with respect to the management of power generators to the management of both 1) power supplies and 2) processing resources. Applicants submit that the processing resources recited in Claim 27 are not analogous to the power generators and/or power grid disclosed by Lagod. Applicants submit that in order for teachings Lagod to actually read on the present claims, in the example presented Lagod would need to teach the scaling of the number of grills and ovens used by the customer based on the historical data. Obviously, however, Lagod makes no suggestion or disclosure. Applicants further note that the power supply elements claimed are not analogous to the power generators of Lagod. Power supplies for computer systems

and other information handling system, as contemplated in the present disclosure, do not generate electricity independently but instead are connected to a power source such as an electrical outlet and convert the power to a selected form. As such, Applicants reiterate that the office action has broadened the teaching of Lagod beyond its reasonable scope.

Further, there is no teaching or suggestion to apply or utilize the customer usage data of Lagod to predictively manage the devices (processing resources) of Reneris. As the Examiner is well aware, the teaching or suggestion to make the asserted combination must be found in the prior art and not in Applicants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). As discussed above, the office action appears to interpret power generator devices as reading on the claimed "processing resources." Applicants submit that the logical leap necessary to read management of power generation equipment to processing resource is greater than the logical leap necessary to extend the management of power generation equipment to power supplies. In the instance that Reneris and Lagod are combined, the resulting system would result in a computer system with components powered up or down based on current demand and a power source that switches between an independent power generation source and a power grid that may be adjusted based on historical usage trends. The combination makes no disclosure, teaching or suggestion of applying the historical data to the management of the computer system of Lagod. Such a reading is accomplished only through the use the claimed invention as an instruction manual or template to piece together the teachings of the prior art so that the claimed invention is rendered obvious, which is improper. *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

Accordingly, the present combination is not permissible and does not teach each and every limitation of Independent Claim 27. Applicants request reconsideration, withdrawal of the rejection under 35 U.S.C. §103 and full allowance of Independent Claim 27 and Claims 28-30 which depend therefrom.

Request for Continued Examination (RCE)

Applicants enclose a Request for Continued Examination (RCE) Transmittal, along with a check in the amount of \$790.00 for the RCE fee.

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PATENT APPLICATION
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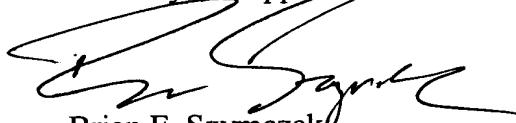
CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending Claims.

Applicants enclose a Petition for One Month Extension of Time and a check in the amount of \$120.00 for the extension fee. Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 02-0383 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2548.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorney for Applicants



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Date:

4/13/2006

SEND CORRESPONDENCE TO:

BAKER BOTTS L.L.P.

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Enclosure: 1) Request for Continued Examination (RCE) Transmittal, along with a check in the amount of \$790.00.
 2) Petition for One Month Extension of Time, along with a check in the amount of \$120.00.